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**Greece
and
Ukraine**

Air Services Agreement between the Government of the Hellenic Republic and the Cabinet of Ministers of Ukraine (with annexes). Athens, 6 October 2011

Entry into force: *14 November 2017 by notification, in accordance with article 18*

Authentic texts: *English, Greek and Ukrainian*

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**Grèce
et
Ukraine**

Accord relatif aux services aériens entre le Gouvernement de la République hellénique et le Cabinet des Ministres de l'Ukraine (avec annexes). Athènes, 6 octobre 2011

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AIR SERVICES AGREEMENT
BETWEEN
THE GOVERNMENT OF THE HELLENIC REPUBLIC
AND
THE CABINET OF MINISTERS OF UKRAINE**

The Government of the Hellenic Republic and the Cabinet of Ministers of Ukraine hereinafter referred to as "Contracting Parties";

Being parties to the Convention on International Civil Aviation done at Chicago, on 7 December 1944;

Being equally desirous to conclude an Agreement for the purpose of establishing and operating scheduled air services between the Hellenic Republic and Ukraine and beyond their respective territories;

Have agreed as follows:

Article 1
Definitions

For the purpose of this Agreement, unless the context otherwise requires:

a) the term "aeronautical authorities" means, in the case of the Hellenic Republic, the Governor of the Civil Aviation Authority and in the case of Ukraine, the State Aviation Administration, or in both cases any person or body who may be authorized to perform functions at present exercisable by the abovementioned authorities;

b) the term "the Convention" means the Convention on International Civil Aviation, done at Chicago, on 7 December 1944, and includes:

- (i) any amendment thereto which has entered into force under Article 94 (a) thereof and has been ratified by both Contracting Parties; and

- (ii) any Annex or any amendments thereto adopted under Article 90 of that Convention, insofar as such amendment or Annex is at any given time effective for both Contracting Parties;
- c) the term "Agreement" means this Agreement, the Annexes hereto, and any Protocol or similar document amending this Agreement or its Annexes;
- d) the term "designated airline" means an airline which has been designated and authorized in accordance with the provisions of Article 3 of this Agreement;
- e) the term "agreed services" means scheduled air services on the routes specified in the Annex 1 to this Agreement for the transport of passengers, cargo and mail, separately or in combination;
- f) the term "capacity" in relation to an aircraft means, the payload of that aircraft available on a route or section of a route, and in relation to "an agreed service" means the capacity of the aircraft used on such service, multiplied by the frequency operated by such aircraft over a given period on a route or section of a route;
- g) the term "territory of the Contracting Party" means the territory of the State of the Contracting Party and has the meaning assigned to it in Article 2 of the Convention;
- h) the terms "air service", "international air service", "airline" and "stop for non-traffic purposes" have the meanings respectively assigned to them in Article 96 of the Convention;
- i) the term "tariff" means the price to be charged for the carriage of passengers, baggage and cargo and the conditions under which those prices apply, including prices and conditions for agency and other auxiliary services performed by the airline in connection with the air transportation but excluding remuneration and conditions for the carriage of mail;
- j) the term "user charge" means a charge made to airlines by the competent authority of the State of the Contracting Party or permitted by that authority to be made for the provision of airport property or facilities or of air navigation facilities (including facilities for overflights), or related services and facilities, for aircraft, their crews, passengers and cargo;
- k) the term "Air Operator's Certificate" means a document issued by the competent authorities of the State of the Contracting Party to an airline which affirms that the airline in question has the professional ability and organization to secure the safe operation of aircraft for the aviation activities specified in the certificate;

l) the term "European Community Member State" means a State that is a contracting party to the Treaty establishing the European Community;

m) the term "standard" means any specifications for physical characteristics, configurations, material, performance, personnel or procedure, and such other matters referred to in Article 37 of the Convention the uniform application of which is recognized as necessary for the safety, regularity or efficiency of international air navigation, and to which the Contracting Parties will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the International Civil Aviation Organization (hereinafter referred to as "ICAO") being compulsory under Article 38 of the Convention;

n) the term "effective regulatory control"

- in the case of Ukraine, means a relationship constituted by rights and obligations which confers the possibility of exercising a decisive regulatory influence on an airline, as well as, Ukraine has and maintains aviation safety and security oversight programmes in compliance with ICAO standards at least;
- in the case of the Hellenic Republic is predicated upon but is not limited to the following: the airline holds a valid Operating Licence and meets the criteria for the operation of international air services, such as proof of financial fitness, ability to meet, where relevant, public interest requirements, obligations for assurance of service etc., and the licensing European Community Member State has and maintains aviation safety and security oversight programmes in compliance with standards of the ICAO at least.

It is understood that the titles given to the Articles of this Agreement do in no way restrict or extend the meanings of any provisions of this Agreement.

Article 2

Grant of Rights

1. Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement for the conduct of scheduled international air services by the designated airlines of the other Contracting Party as follows:

- a) to fly across its territory without landing;
- b) to make stops in its territory for non traffic purposes; and

- c) to make stops in its territory at the points specified for that route in Annex 1 to this Agreement for the purpose of taking on board and discharging passengers, cargo and mail, separately or in combination.

2. Nothing in paragraph 1 of this Article shall be deemed to confer on the designated airlines of one Contracting Party the right to take on board, in the territory of the other Contracting Party, passengers, cargo or mail carried for remuneration or hire and destined for another point in the territory of the other Contracting Party.

Article 3 **Designation and Authorizations**

1. Each Contracting Party shall have the right to designate one or more airlines for the purpose of operating the agreed services on the specified routes, and to withdraw or alter such designations. Such designations shall be made in writing and shall be transmitted to the other Contracting Party through diplomatic channels.

2. On receipt of such a designation, and of applications from the designated airline, in the form and manner prescribed for operating authorizations and technical permissions, the other Contracting Party shall grant the appropriate authorizations and permissions with the minimum procedural delay, provided:

- a) in the case of an airline designated by the Hellenic Republic:
 - (i) it is established in the territory of the Hellenic Republic under the Treaty establishing the European Community and has a valid Operating Licence in accordance with European Community law;
 - (ii) effective regulatory control of the airline is exercised and maintained by the European Community Member State responsible for issuing its Air Operator's Certificate and the relevant aeronautical authority is clearly identified in the designation; and
 - (iii) the airline is owned, directly or through majority ownership, and effectively controlled by the European Community Member States and/or nationals of the European Community Member States, and/or by other states listed in Annex 2 to this Agreement and/or nationals of such other states;